

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re U.S. Divisional Patent Application Of:	) Prior Application:
Stephen Alan Smith, Dawn Ellen Huston,	) Application No. 09/923,763
Warren Giles Wiedmeyer, Stephen William	) Filed: August 6, 2001
Sullivan, Rich Matthew Chin, Mohammed	)
Maqsood Ahmed, John Stewart Gitschlag,	) Art Unit: 3727
David Raymond Langelan, Rajendra Ranjitbhai	) Examiner: Robin A. Hylton
Chauhan, William Edward Hurst, James Tam	)
Joines, Jr., Kevin Ray Smith, Mark Gerald	) Present Application:
Anhalt, Bryce G. Rutter, Brian C. Bone and	) Examiner: Not Assigned
Heath A. Doty	) Art Unit: Not Assigned
	)
Mailed: August 21, 2003	)
	)
For: RECLOSABLE CONTAINER LID	)
	)



**DIVISIONAL PATENT APPLICATION**  
**TRANSMITTAL FILING UNDER 37 C.F.R. §1.53(b)**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a divisional application of pending prior Application Serial No. 09/923,763, under 37 C.F.R. § 1.53(b). The parent application was filed on August 6, 2001, by Applicants Stephen Alan Smith et al., and is similarly entitled "RECLOSABLE CONTAINER LID."

**Benefit of Prior U.S. Application**

The attached divisional application being transmitted claims the benefit of a prior U.S. application, as indicated below.

**Papers Enclosed**

In accordance with 37 C.F.R. § 1.63(d), the specification filed herewith contains no new matter. Accordingly, a copy of the executed Declaration and Power of Attorney from the parent application (U.S. Application No. 09/923,763) is submitted herewith.

Attorney Docket No. 3177 P 425  
Title: RECLOSABLE CONTAINER LID  
Inventors: Stephen Alan Smith et al.  
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The papers attached are as follows:

23 pages of Specification.  
3 pages of Claims.  
1 page of Abstract.  
4 sheets of Formal Drawings containing Figures 1-8.

### Additional Papers Enclosed

A copy of the original Assignment filed in the prior U.S. Application (Application No. 09/923,763) is also submitted herewith.

### Declaration or oath (including power of attorney)

As previously stated, a copy of the executed Declaration and Power of Attorney filed in the prior U.S. application (Application No. 09/923,763) is submitted herewith, in accordance with 37 C.F.R. §1.63(d).

### Inventorship Statement

The inventorship for all the claims in this application is the same as that for the parent application.

### Fee Calculation (37 C.F.R. § 1.16)

The filing fee has been calculated as shown below:

For:			Small Entity		or	Other Than A Small Entity	
	No. Filed	No. Extra	Rate	Fee		Rate	Fee
Basic Fee				\$	or		\$750
Total Claims	20 - 20 =	0	x 9 =	\$	or	x 18 =	\$0
Indep. Claims	3 - 3 =	0	x42 =	\$	or	x 84 =	\$0
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			x140 =	\$	or	x280 =	\$0
			Total	\$	or	Total	\$750

X Check No.18122 in the amount of \$750.00 is attached.

Attorney Docket No. 3177 P 425  
Title: RECLOSABLE CONTAINER LID  
Inventors: Stephen Alan Smith et al.  
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The Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 23-0280 for the following fees associated with this communication and during the entire pendency of the Application (a duplicate copy of this sheet is attached).

- ☒ Any additional filing fees under 37 C.F.R. § 1.16(a), (f) and (g).
- ☒ Any filing fees under 37 C.F.R. § 1.16(b), (c) and (d) for presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

**Relate Back--35 U.S.C. 120**

As required under 35 U.S.C. 120, the Specification of the attached application includes the following specific reference to the earlier filed parent application:

"This is a divisional application of co-pending Application Serial No. 09/923,763 filed August 6, 2001."

Please address all future communications to:

**Paul J. Nykaza, Esq.**  
Wallenstein Wagner & Rockey, Ltd.  
311 South Wacker Drive, 53rd Floor  
Chicago, Illinois 60606-6630  
312.554.3300

Respectfully submitted,

Date: August 21, 2003

By: 

Paul J. Nykaza, Reg. No. 38,984  
Peter M. Siavelis, Reg. No. 51,136  
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Attorneys for Applicants

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**CERTIFICATION UNDER 37 C.F.R. § 1.10**

Express Mail Label No. EV 291497384 US

Date of Deposit: August 21, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, postage prepaid, under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Gillian Gardner/181589.1

**In re U. S. Divisional Patent Application**

Inventors: Stephen Alan Smith, Dawn Ellen Huston, Warren Giles  
Wiedmeyer, Stephen William Sullivan, Rich Matthew Chin,  
Mohammed Maqsood Ahmed, John Stewart Gitschlag, David  
Raymond Langelan, Rajendra Ranjitbhai Chauhan, William  
Edward Hurst, James Tam Joines, Jr., Kevin Ray Smith, Mark  
Gerald Anhalt, Bryce G. Rutter, Brian C. Bone and Heath A.  
Doty  
Application No.: Unassigned  
Filing Date: August 21, 2003  
For: RECLOSABLE CONTAINER LID  
Attorney Docket No. 3177 P 425

**Enclosures:**

1. DIVISIONAL APPLICATION TRANSMITTAL, 3 PAGES, in duplicate
2. CHECK NO. 18122 FOR \$750.00 FOR FILING FEES
3. 27 PAGES OF APPLICATION (INCLUDING 23 PAGE SPECIFICATION, 20 TOTAL CLAIMS/3 INDEPENDENT (3 PAGES) AND 1 PAGE ABSTRACT)
4. 4 SHEETS OF FORMAL DRAWINGS (FIGS. 1-8)
5. COPY OF EXECUTED DECLARATION AND POWER OF ATTORNEY FROM APPLICATION NO. 09/923,763, 8 PAGES
6. COPY OF EXECUTED ASSIGNMENT FROM APPLICATION NO. 09/923,763, 3 PAGES
7. RETURN POSTCARD

I HEREBY CERTIFY THAT THIS PAPER AND THE ABOVE DOCUMENTS ARE BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS EXPRESS MAIL IN A POSTAGE-PAID ENVELOPE ADDRESSED TO MAIL STOP PATENT APPLICATION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON August 21, 2003, UNDER EXPRESS MAIL NO. EV 291497384 US.

  
Gillian Gardner

**PLEASE ADDRESS ALL FUTURE COMMUNICATIONS TO:**

**Paul J. Nykaza, Esq.  
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